

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Azure Networks, LLC, §
§
Plaintiff, § Civil Action No. 6:15-cv-33-RWS
v. § JURY TRIAL DEMANDED
§
Broadcom Corporation, §
§
Defendant. §
§
§

**AZURE NETWORKS, LLC'S RESPONSE TO DEFENDANT'S NOTICE OF
SUPPLEMENTAL AUTHORITY**

On May 14, 2015, Defendant filed a Notice of Supplemental Authority calling to the Court's attention the Northern District of Texas opinion *Jericho Systems Corp. v. Axiomatics, Inc.*, No. 3:14-cv-2281, Dkt. No. 76 (N.D. Tex. May 7, 2015). Dkt. No. 33. In its Notice, Defendant selectively highlighted portions of the *Jericho* opinion. Dkt. No. 33-1. Standing alone, these highlighted propositions are misleading. Accordingly, Azure files this short response identifying important context that should be considered in addition to the excerpts highlighted by Defendant:

- Plaintiff in *Jericho* expressly agreed to resolution on the pleadings, stating, “*Jericho* agrees that, in this particular case, the section 101 issue is ripe for immediate resolution.” No. 3:14-cv-2281, Dkt. No. 41 at 2 n.1 (N.D. Tex. Feb. 9,

2015) (Plaintiff's Response to Defendants' Motion for Judgment on the Pleadings).

- Defendant in *Jericho* sought to invalidate only one patent consisting of 24 claims. *Jericho*, Dkt. No. 76 at 6–7.
- Both the defendant and the court addressed how each claim was “sufficiently similar” to the alleged representative claim. *See* No. 3:14-cv-2281, Dkt. No. 31 at 4–5 (N.D. Tex. Jan. 20, 2015) (Defendant's Motion for Judgment on the Pleadings); *Jericho*, Dkt. No. 76 at 7–8.
- The *Jericho* Court found that the problem solved by the claims at issue was not a problem created by modern computing. *Jericho*, Dkt. No. 76 at 11.

Dated: May 22, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this 22nd day of May, 2015.



Derek T. Gilliland